

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY)	
COMPANY,)	
)	
Plaintiff,)	CIVIL ACTION NO:
)	2:05 -CV-01108-MEF
)	
V.)	
)	
ARNBERG & ALLEN CONSTRUCTION,)	
L.L.C.; STEPHEN D. ARNBERG,)	
JIM ALLEN, MICHAEL O. LUNSFORD)	
and DEBRA O. LUNSFORD.)	
)	
Defendants.)	

SECOND JOINT MOTION FOR EXTENSION OF TIME TO FILE
STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff, Employers Mutual Casualty Company (“EMCC”) and Defendants Arnberg & Allen Construction, LLC, and Jim Allen, by and through their undersigned counsel, hereby jointly request an extension of time to file the joint stipulation of dismissal in this matter. In support of said motion the parties jointly state as follows:

1. This action is a declaratory judgment action wherein EMCC was seeking a determination of rights regarding an insurance policy issued to Defendant Arnberg & Allen Construction, LLC arising out of an action in the Circuit Court of Elmore County, Alabama styled, *Michael and Debra Lunsford v. Arnberg &*

Allen Construction, et. al, docket number CV 05-302 (“the underlying action”).

2. The parties in the underlying action have agreed to resolve all of the issues in the underlying action. However, as of this date, the settlement documents in the underlying action have not been completed.
3. The parties anticipate that the settlement of the underlying action will be completed in the near future.
4. On January 4, 2007, this Court ordered the parties to file a joint stipulation of dismissal on or before January 19, 2007.
5. The parties are requesting additional time in which to file the joint stipulation of dismissal to finalize the settlement of the underlying action.

Wherefore the parties jointly request additional time to file the joint stipulation of dismissal in this matter.

/s/James A. Kee, Jr. ASB-4314-e68j
/s/Cynthia A. Martin ASB-2044-i49c
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